

REMARKS

Claims 1-10 remain pending in this application for which applicant seeks reconsideration.

Amendment

Claims 1, 4, 6, 7, 9, and 10 have been amended to further improve their form and clarity, as well as to remove minor informalities contained therein. These claims now explicitly define displaying a music score on a display area of a display device across a plurality of staff tiers. No new matter has been introduced.

Request for Interview

Applicant again made numerous attempts to schedule an interview without success. The examiner's SPE indicated that the examiner is still unavailable but is scheduled to return in February. When the examiner returns, applicant requests an interview in the presence of the examiner's SPE. Moreover, if the examiner does not return as scheduled, applicant's urge the SPE to reassign this application to another examiner.

Art Rejection

Claims 1-10 were rejected under 35 U.S.C. § 102(b) as anticipated by Matsumoto (USPGP 2001/0023633) because the examiner believes that applicant has not provided specific reasoning why Matsumoto's Fig. 6 does not read on the claimed feature.

According to the examiner, Matsumoto's Fig. 6 illustrates a scenario where each of the measures is positioned only on a single staff tier and not spanning across multiple staff tiers. Applicant disagrees with the examiner's assessment because Matsumoto's Figs. 3 and 6 (appended hereto) illustrate a complete music score having different instrument parts (1-5) each displayed only in a single staff tier. Parts 1-5 do not display music progression across a plurality of staff tiers but rather scrolled across only a single staff tier. Figs. 3 and 6 illustrate 5 different performance parts that are related to each other, rather than being the same music progression. That is, the first measure of part 2 is not the next music progression of the last measure of part 1. Rather, the music progression ends at the last measure of each part:

In addition, if a musical score is enlarged for detail view in order to adjust symbol positions or the number of staves increases as with a large orchestral score for example, **all the score information cannot be accommodated in the display area**. FIG. 3 shows an example of such a large score. [Matsumoto, ¶ 36, lines 6-11].

FIG.3

10 *Allegro*

Part 1

Part 2

Part 3

Part 4

Part 5

A I U E O KA KI KU KE KO SA SI SU SE SO TA

FIG.6

DP2

DP3

DP1

MD

t1

t2

10 *Allegro*

Part 1

Part 2

Part 3

Part 4

Part 5

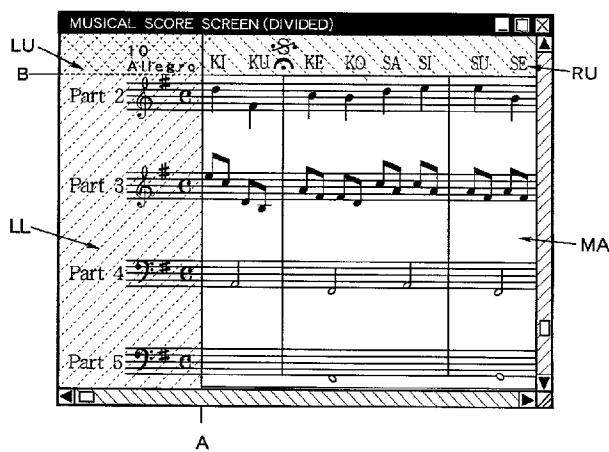
A I U E O KA KI KU KE KO SA SI SU SE SO TA

Fig. 6 is essentially identical to Fig. 3, but highlights a scrolling portion DP3 (inside the dashed lines) of the music score displayed in Figs. 4 and 5 (appended hereto).

FIG.4



FIG.5



As the entire music score cannot be displayed in the given display area, Matsumoto calls for scrolling the DP3 area of the music score, to display only the area inside the DP3 area (as illustrated in Figs. 4 and 5) at a given time. Figs. 5 and 6 clearly illustrate the last measure displayed being cut off. That is, the last displayed measure displays only a segment of a full measure. Because Matsumoto discloses a single continuous tier that is scrolled rather than disclosing music progression across multiple staff tiers, Matsumoto is not concerned at all with varying the measures or having the same measure divided into multiple tiers.

Matsumoto simply fails to disclose varying the length of any of the measures to enable the last displayed measure (rightmost measure of each tier) to display a full measure since Matsumoto is not at all concerned with displaying the music progression across multiple staff tiers. Because Matsumoto's measures have a fixed predetermined length, it is not possible to vary the length of any measurement to enable any of the measures to be apportioned so that each tier ends in a full measure, without its last measure spanning across multiple tiers, while

displaying the music progression across multiple staff tiers, as set forth in independent claim 1, 6, 9, and 10.

Conclusion

Applicant submits that claims 1-10 patentably distinguish over the applied reference and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

01 FEBRUARY 2009

DATE

*Lyle Kimms*

LYLE KIMMS, REG. NO. 34,079

20609 GORDON PARK SQUARE, SUITE 150  
ASHBURN, VA 20147  
703-726-6020 (PHONE)  
703-726-6024 (FAX)